

REMARKS

Interview Summary

Applicants' representative would like to thank Examiner Duong for the courtesy of extending a telephonic interview on July 25, 2006. During the interview, claim 51 was discussed in view of U.S. Pat. No. 5,758,257 to Herz et al. ("Herz"). Applicants' representative argued (similar to the discussion below) that Herz is not anticipating claim 51, and also presented a draft proposed amendment (which was similar to the present amendment). Although no agreement has been reached regarding the patentability of the claims, Applicants' representative agreed to file the proposed amendment, and the Examiner agreed to conduct further prior art search.

Claims

Claims 51-85 were pending when last examined. In the present response, claims 51-53, 56-58, 61-63, 65-67, 70-73, 77-79, 81, 82, 84, and 85 have been amended. Claims 86-91 have been added. No new matter has been added. Support for the amendment can be found at least in FIGS. 2 and 3, and the corresponding description in the specification.

Claim Rejections – 35 USC § 102

Claims 51-85 were rejected under 35 U.S.C. 102(b) as being anticipated by Herz. Applicants respectfully traverse the rejections.

Claim 51, as amended, recites a user description including a user preference description that has a hierarchical structure to describe preferences for filtering and searching, the hierarchical structure including a first parent preference element and a second parent preference element at the same level of the hierarchical structure, the first parent preference element having one or more first child preference elements, wherein the first parent preference element in the hierarchical structure includes a first preference condition

that specifies a first place to which the first parent and first child preference elements apply.

Herz discloses “clustering customer profiles for combinations of customers expected to view the video programs at a particular customer location” (see *Herz at col. 5:34-43*). Herz, however, discloses neither explicitly nor implicitly that, in Herz’s customer profiles, a first parent preference element in the hierarchical structure includes a first preference condition that specifies a first place to which the first parent and first child preference elements apply, as required by the claim.

During the interview, the Examiner argued that, in order to perform the clustering for a “particular customer location,” Herz’s customer profiles should include information that specifies the “particular customer location.” The clustering, however, can be performed even if the customer profiles include no such location information at all. For example, Herz discloses that the customer profiles for each household are stored in the set top multimedia terminal for that household. *Col. 25:7-15*. Thus, the clustering for the household location can be performed by locating the set top multimedia terminal for that household, and clustering the customer profiles stored in that terminal. Furthermore, even if we assume for the sake of argument that Herz’s customer profiles include some information about the “particular customer location,” that location information seems to be separate from any hierarchical structure to describe preferences for filtering and searching. Indeed, although Herz discloses a hierarchical structure of “moods,” Herz discloses only that “the moods should be time-specific, i.e., each mood has a time window, within which the mood is effective.” *Col. 17:34-35*. Nowhere does Herz disclose that a first parent preference element in the hierarchical structure includes a first preference condition that specifies a first place to which the first parent and first child preference elements apply, as required by the claim

Because Herz fails to disclose the above discussed claim limitations, claim 51 is allowable. Independent claims 62, 71, 77, 81 and 84 require similar preference conditions, thus they are allowable for at least the same reasons. Dependent claims 51-61, 63-70, 72-76, 78-80, 82, 83, and 85 are allowable for at least the same reasons as their respective base claims.

New Claims

New claims 86-91 are dependent claims, which are allowable for at least the same reasons as their respective base claims.

CONCLUSION


Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

7/28/06 Richard A. Pral
Date Signature

Respectfully submitted,


By: Ferenc Pazmandi
 Agent of Record
 Limited Recognition No. L0078
 FP/tp

July 28, 2006

SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104-1715
(415) 772-1200